

Notice of Allowability

Application No.

09/738,766

Applicant(s)

PELTON, NORMAN R.

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04 March 2006.
2. ☒ The allowed claim(s) is/are 6-10,12,14,23,25 and 27-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce M. Green on 9 May 2006.

The application has been amended as follows:

Claim 6, section i), line 1, "filling a hollow cell" was changed to --filling a hollow cell of a tray of hollow cells--

Claim 6, section ii), line 2, "said growing medium;" was changed to --said growing medium by dipping said tray in a bath of hot water at a temperature of approximately 89 degrees Celsius, and then dipping said tray in a bath of water at tap water temperature, 5 to 10 degrees Celsius;--

Claim 8 section a), line 1, "filling a first hollow cell" was changed to --filling a first hollow cell of a tray of hollow cells--

Claim 8, section b), line 2, "said growing medium;" was changed to --said growing medium by dipping said tray in a bath of hot water at a temperature of approximately 89 degrees Celsius, and then dipping said tray in a bath of water at tap water temperature, 5 to 10 degrees Celsius;--

Claim 9, section a), line 1, "filling a first hollow cell" was changed to --filling a first hollow cell of a tray of hollow cells--

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Claim 9, section b), line 2, "said growing medium;" was changed to --said growing medium by dipping said tray in a bath of hot water at a temperature of approximately 89 degrees Celsius, and then dipping said tray in a bath of water at tap water temperature, 5 to 10 degrees Celsius;--

Claim 13 was cancelled

Claim 22 was cancelled

Claim 24 was cancelled

Allowable Subject Matter

Claims 6-10, 12, 14, 23, 25 and 27-33 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 4,333,265; German Patent DE 1949462; European Patent EP 0117766; Substrate Research for Roses: Evaluation of Different Types of Coir, Verbondsnieuws vol. 43 (2): English abstract, Dutch 1999, one page; U.S. Patent No. 6,219,968; U.S. Patent No. 3,990,180; U.S. Patent no. 4,420,903; U.S. Patent No. 3,842,537; U.S. Patent No. 5,331,908; U.S. Patent Des. 325,714; U.S. Patent No. 5,942,029; Japanese Patent JP 405137473A; Trade Mark Scan, Van der Knapp, Fibre Neth, 23 December 1997, one page; Van der Knaap web page www.potgrond.com, Fibre-Neth Holland BV, 9 pages teach seedling plugs containing seeds and thermal sensitive fibers and the concept of placing a first plug into a second plug of growth medium. However, the prior art of record all fails to show, and fails to make obvious, either alone and/or in combination heat-treating the thermal sensitive fibers to form *an interconnected fibrous network* with the growing medium by dipping

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said tray in a bath of hot water at a temperature of approximately 89 degrees Celsius, and then dipping said tray in a bath of water at tap water temperature, 5 to 10 degrees Celsius and after less than 7 months and sufficient root development ejecting the seedling plug.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti
Patent Examiner
Art Unit 3643

09 May 2006